

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES SOUTHERLAND,

Plaintiff,

v.

Case No. 04-73365
Honorable Victoria A. Roberts
Magistrate Paul J. Komives

MARY BERGHUIS

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE MAGISTRATE JUDGE

On June 5, 2006, Magistrate Judge Paul J. Komives submitted a Report and Recommendation [Doc. 36] recommending that the Court Deny Plaintiff's Motion for a Certificate of Appealability. [Doc. 32].

Because the Court has not received objections from either party within the time frame provided for in 28 USC § 636(b)(1) and E.D. Mich. LR 72.1(d)(3), the Court adopts the Magistrate Judge's Report and Recommendation. The Court, therefore, **DENIES** Plaintiff's Motion for Certificate of Appealability.

IT IS SO ORDERED.

S/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: June 27, 2006

The undersigned certifies that a copy of this document was served on the attorneys of record and pro se plaintiff by electronic means or U.S. Mail on June 27, 2006.

S/Carol A. Pinegar

Deputy Clerk